

November 19, 2004

LEONA ORR
24909 114TH AVE SE
KENT WA 98030-6568

Subject: Complaint filed against Debra Raplee - PDC Case No. 04-399

Dear Mrs. Orr:

On August 18, 2004, a portion of the complaint you filed against Debra Raplee was dismissed. You were informed at that time that the remaining two allegations in your complaint would be handled separately, and that you would be advised at a later time of their disposition.

On November 9, 2004, the Public Disclosure Commission met and deliberated about whether there was probable cause to hold an enforcement hearing concerning your allegation that Debra Raplee sponsored, with actual malice, political advertising that contained false statements of material fact about you when you were a candidate in 2003 seeking re-election to the Kent City Council. Specifically, the pending portion of the complaint alleged that these statements appeared in Ms. Raplee's political advertising and were false statements of material fact: 1) "*Leona Orr voted to approve the Salary Commission and increase the mayor's salary by 26%;*" and 2) "*Leona Orr voted to increase her salary along with other council members and judges.*" All other allegations made in the complaint were previously dismissed.

The Commission, during its November 9 deliberations, considered a briefing prepared by the staff that included the pending allegations, the staff's investigative findings, and RCW 42.17.530, which prohibits a person from sponsoring, with actual malice, political advertising that contains a false statement of material fact about a candidate for public office. "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity. A copy of the staff's briefing to the Commission is enclosed.

Allegation 1) "Leona Orr voted to approve the Salary Commission and increase the mayor's salary by 26%."

The Commission considered the staff briefing that stated:

- The Kent City Council, in October 2002, created a three-member independent salary commission.

- The salary commission was authorized to annually review the salaries of all elected officials including the mayor, council members, and municipal court judges and had the sole authority to adopt changes to these elected officials' salaries.
- The only method available to challenge a schedule adopted by the salary commission was referendum.

After considering the briefing, the Commission voted unanimously to schedule a brief enforcement hearing to examine evidence to determine whether this statement was made in violation of RCW 42.17.530. Notice of the brief enforcement hearing will be mailed to you in the near future.

Allegation 2) "Leona Orr voted to increase her salary along with other council members and judges."

The Commission considered the staff briefing that stated:

- On October 19, 1999, the Kent City Council, of which Leona Orr was a member, increased council member salaries from \$550 per month to \$850 per month, effective January 1, 2000. The Council also voted to increase monthly salaries by \$50 each year for the next three years, with the 2003 salary being \$1,000 per month. The salary increase was codified as Ordinance #3480.
- Leona Orr voted "yes" to support Ordinance #3480.

After considering the briefing, the Commission voted unanimously to dismiss this portion of your complaint. Therefore, with the concurrence of the Commission I am dismissing the portion of your complaint alleging that Debra Raplee sponsored, with actual malice, political advertising containing the alleged false statement, "Leona Orr voted to increase her salary along with other council members and judges."

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll-free at 1-877-601-2828.

Sincerely,

Vicki Rippie
Executive Director

Enclosure

c: Debra Raplee